

CHAPTER 873
Personal Property Tax Relief for Elderly or Totally and
Permanently Disabled

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CROSS REFERENCES

Alternative tax rates for elderly and handicapped - see Code of
Va. Secs. 58.1-3506.1 et seq.
Personal property and real estate tax - see B.R. & T. Ch. 860
Real estate tax relief for elderly or totally and permanently
disabled - see B.R. & T. Ch. 872

873.01 DEFINITIONS.

As used in this chapter:

- (a) "Affidavit" means the Personal Property Tax Relief for the Elderly and Disabled Affidavit.
- (b) "County" means Loudoun County, Virginia.
- (c) "County Board" means the Board of Supervisors of the County.
- (d) "Commissioner of the Revenue" means the Commissioner of the Revenue of the County or any of his or her duly authorized deputies or agents.
- (e) "Alternative rate" means the rate set by the County Board for this class of tangible personal property.
- (f) "Vehicle" means one designated automobile or pickup truck used primarily by or for the person or persons seeking the alternative rate.
- (g) "Owner" means the primary user of the vehicle and who holds title either jointly or solely to the vehicle for which the alternative rate is sought.
- (h) "Net worth" means the amount by which assets (including the present value of all equitable interests) exceed liabilities.
- (i) "Person" means a natural person.
- (j) "Permanently and totally disabled" means a person who has been certified by the Social Security Administration, the Department of Veterans Affairs or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, by a sworn affidavit by two medical doctors who either are licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the person is permanently and totally disabled, and, in addition, who has been found by the Commissioner of the Revenue to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

(k) "Property" means personal property.

(l) "Taxable year" means the calendar year, from January 1 until December 31, for which an alternative rate is sought.

(Ord. 91-26. Passed 11-19-91; Ord. 98-13. Passed 11-4-98.)

873.02 ALTERNATIVE RATE AUTHORIZED; EFFECTIVE DATE.

(a) An alternative rate is provided for qualified property owners who are not less than sixty-five years of age or who are permanently and totally disabled and who are eligible according to the provisions of this chapter. Persons qualifying for the alternative rate are deemed to be bearing an extraordinary personal property tax burden in relation to their income and financial worth.

(b) The effective date of this chapter shall be January 1, 1992.

(Ord. 91-26. Passed 11-19-91.)

873.03 ADMINISTRATION OF ALTERNATIVE RATE.

The qualification shall be administered by the Commissioner of the Revenue according to the provisions of this chapter. The Commissioner is hereby authorized to make an inquiry of persons seeking such an alternative rate in conformity with the provisions of this chapter, including the requiring of answers under oath, as may be reasonably necessary to determine qualifications for the alternative rate as specified by this chapter. The Commissioner may require the production of certified income tax returns and appraisal reports to establish income and/or financial worth.

(Ord. 91-26. Passed 11-19-91.)

873.04 REQUIREMENTS FOR ALTERNATIVE RATE.

An alternative personal property tax rate shall be granted subject to the following provisions:

(a) The title of the vehicle for which an alternative rate is sought is held on January 1 of the taxable year by the person or persons seeking the alternative rate and Loudoun County is the situs of the vehicle for which an alternative rate is sought on January 1 of the taxable year.

(b) On December 31 of the year immediately preceding the taxable year, the person using the vehicle and owning title thereto is (i) sixty-five years of age or older, or (ii) permanently and totally disabled.

(c) The gross combined income of the owner or owners during the year immediately preceding the taxable year did not exceed fifty-two thousand dollars (\$52,000), provided that the first seven thousand, five hundred dollars (\$7,500) of income received by an owner during the year immediately preceding the taxable year as compensation for permanent disability shall not be included in the total. Gross combined income includes all gross income from all sources of the owner or owners, including (by way of example and not limitation) interest income, dividend income and distributions from trusts.

- (d) The total combined net financial worth of the owner or owners as of December 31 of the year immediately preceding the taxable year did not exceed one hundred ninety-five thousand dollars (\$195,000). Total net financial worth shall include the value of all assets, including the present value of all equitable interests of the owner or owners and the owners spouse, and shall exclude the fair market value of the dwelling and the land upon which it is situated, not exceeding one acre.
(Ord. 98-13. Passed 11-4-98.)

873.05 CLAIMING AN ALTERNATIVE RATE.

(a) Annually, and not later than April 1 of the taxable year, the person or persons seeking an alternative rate for a designated vehicle must file a Personal Property Tax Relief for the Elderly and Disabled Affidavit with the Commissioner of the Revenue. Those applying for an alternative rate for the first time (after 1991) must file on or before September 1 of the tax year for which relief is sought. The Commissioner shall have the discretion to permit applicants to file after these deadlines in cases of genuine hardship.
(Ord. 98-13. Passed 11-4-98.)

(b) The Affidavit shall set forth, in a manner prescribed by the Commissioner, the names of the vehicle owner(s) for which the alternative rate is sought, their gross combined income and the total combined net worth of the owners and spouses.

(c) If, after audit and investigation, the Commissioner determines that the person or persons are qualified for an alternative rate, he or she shall so certify to the County Treasurer who shall apply the alternative tax rate to the designated property. (Ord. 91-26. Passed 11-19-91.)

873.06 SETTING OF ALTERNATIVE RATE.

The alternative rate shall be set annually by the County Board in conjunction with the setting of all other tangible personal property tax rates.
(Ord. 91-26. Passed 11-19-91.)

873.07 CHANGES IN STATUS.

Changes with respect to income, financial worth, medical status or other factors occurring during the taxable year for which the Affidavit is filed, and having the effect of exceeding or violating the limitations and conditions provided in this chapter, shall nullify the alternative tax rate for designated personal property for the then current taxable year and the taxable year immediately following. After January 1, 1993, personal property tax liability resulting from a change of ownership shall be prorated. If a transfer of property designated for the alternative tax rate occurs after this date, the replacement vehicle may be taxed at the alternative rate.
(Ord. 94-02. Passed 1-19-94.)

873.08 FALSE CLAIMS.

No person shall falsely claim an exemption or deferral.
(Ord. 91-26. Passed 11-19-91.)

873.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)